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09/370,663	08/06/1999	DANIEL H. ABELOW	03058/004005	8345

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EXAMINER
DIXON, THOMAS A

ART UNIT	PAPER NUMBER
3629	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/370,663	Applicant(s) ABELOW, DANIEL H.	
	Examiner Thomas A. Dixon	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 April 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *48-51,53-63 and 71-139* is/are pending in the application.

4a) Of the above claim(s) *1-47,52 and 64-70* is/are withdrawn from consideration.

5)☒ Claim(s) *90-97,120-126 and 136-139* is/are allowed.

6)☒ Claim(s) *See Continuation Sheet* is/are rejected.

7)☒ Claim(s) *53,55-57,59,60,63,80,81,86,87,104,108,109,112,114,117-119,128 and 133* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☒ The proposed drawing correction filed on *20 March 2000* is: a)☒ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2*
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Continuation of Disposition of Claims: Claims rejected are 48-51,54,58,61-62,71-79,82-85,88,98-103,105-107, 110-111,113,115-116,127,129-132, and 134-135.

DETAILED ACTION

1. Claims 48-51,53-63, 71-83 remain. Claims 1-17, 52, 64-70 have been cancelled. Claims 84-139 have been added.

2. The rejection of the previous action are withdrawn in view of applicant's amendments.

Double Patenting

3. Claim 133 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 128. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claim 48-51, 54, 58, 61-62, 75-79, 82-85, 88, 98-103, 105-107, 110-111, 113, 115-116, 127, 129-132, 134-135 are rejected under 35 U.S.C. 102(e) as being anticipated by Eckert, Jr. et al (4,442,501).

As per Claim 48.
Eckert Jr. et al ('501) discloses:
units of a commodity that are used by respective users in different locations, see figure 1;

a user interface which is part of each of the units of the commodity and provides a medium for two-way local interaction between one of the users and the corresponding units of the commodity for generating information about use of the unit of the commodity by a user, see figure 2;

a communication element that is associated with each of the units of the commodity and carries results of the two-way local interaction from each of the units of the commodity to a central location, see figure 6 (106);

software that manages the interactions of the users in different locations and collection of the results of the interactions at the central location, see figure 6 (102, 103).

As per Claim 49.

Eckert Jr. et al ('501) discloses all the limitations of claim 48.

Eckert Jr. et al ('501) further discloses:

the user interface is electronically triggered based on user behaviors to generate two-way interactions with each of the users, each of the interactions relating to a corresponding specific one of the behaviors, see column 4, line 67 – column 5, line 58.

As per Claim 50.

Eckert Jr. et al ('501) discloses all the limitations of claim 48.

Eckert Jr. et al ('501) further discloses:

the interactions are triggered to occur based on repeated uses of a feature of a unit of the commodity, see column 6, lines 17-43.

As per Claim 51.

Eckert Jr. et al ('501) discloses all the limitations of claim 48.

Eckert Jr. et al ('501) further discloses:

the user interface comprises a part if a functional user interface of the unit of the commodity that is used to control features of the commodity, see column 5, lines 1-12.

As per Claim 54.

Eckert Jr. et al ('501) discloses all the limitations of claim 48.

Eckert Jr. et al ('501) further discloses:

the results of the interactions are forwarded from the central location to a remote server for analysis, see column 11, lines 5-50.

As per Claim 58.

Eckert Jr. et al ('501) discloses all the limitations of claim 48.

Eckert Jr. et al ('501) further discloses:

the two way interaction provides instructions on how to use the commodity, see column 6, lines 29-43.

As per Claim 61.

Eckert Jr. et al ('501) discloses all the limitations of claim 48.

Eckert Jr. et al ('501) further discloses:
the two-way interaction is mediated by an publicly or privately accessible on-line computerized information service, see column 11, lines 10-50.

As per Claim 62.
Eckert Jr. et al ('501) discloses all the limitations of claim 48.
Eckert Jr. et al ('501) further discloses:
presenting the user information in one or more of the following styles: text, lists, charts, views, arrangements, hierarchies, graphical maps, sample extracts, abstracts summary descriptions or hypertext, see figure 2 (50).

As per Claim 75.
Eckert Jr. et al ('501) discloses all the limitations of claim 48.
Eckert Jr. et al ('501) further discloses:
the user interface includes a console displaying text or graphics, see figure 2.

As per Claim 76.
Eckert Jr. et al ('501) discloses all the limitations of claim 48.
Eckert Jr. et al ('501) further discloses:
the console comprises a display of a computer, see figure 3 (59, 60, 20).

As per Claim 77.
Eckert Jr. et al ('501) discloses all the limitations of claim 48.
Eckert Jr. et al ('501) further discloses:
the software is configured to disclose access to collection results to vendors of the commodity, see column 11, lines 5-50.

As per Claim 78.
Eckert Jr. et al ('501) discloses all the limitations of claim 48.
Eckert Jr. et al ('501) further discloses:
the software is configured to disclose access to collection results to the users of the commodity, see column 5, lines 13-24.

As per Claim 79.
Eckert Jr. et al ('501) discloses all the limitations of claim 48.
Eckert Jr. et al ('501) further discloses:
the software is configured to provide access to the collection of results to third parties, see column 11, lines 23-24.

As per Claim 82.
Eckert Jr. et al ('501) discloses all the limitations of claim 48.
Eckert Jr. et al ('501) further discloses:
units of commodity store probes that elicit information from the respective users, see column 5, lines 59-68.

As per Claim 83.
Eckert Jr. et al ('501) discloses all the limitations of claim 48.
Eckert Jr. et al ('501) further discloses:
the software that manages the interactions of the users sends the probes to each of the units of the commodity, see column 1, line 52 – column 2, line 7 and column 5, line 59 – column 6, line 2.

As per Claim 84.
Eckert Jr. et al ('501) discloses all the limitations of claim 48.
Eckert Jr. et al ('501) further discloses:
the information about the commodity comprises value information, see column 5, lines 15-24.

As per Claim 85.
Eckert Jr. et al ('501) discloses all the limitations of claim 48.
Eckert Jr. et al ('501) further discloses:
the value information comprises usage logs, see column 5, lines 15-24.

As per Claim 88.
Eckert Jr. et al ('501) discloses all the limitations of claim 48.
Eckert Jr. et al ('501) further discloses:
the information guides a user's interaction with the commodity, see column 5, lines 59-68.

As per Claim 98.
Eckert Jr. et al ('501) discloses:
units of a commodity that are used by respective users in different locations, see figure 1;
a user interface which is part of each of the units of the commodity and provides a medium for two-way local interaction between one of the users and the corresponding units of the commodity for generating information about use of the unit of the commodity by a user, see figure 2;
a communication element that is associated with each of the units of the commodity and carries results of the two-way local interaction from each of the units of the commodity to a central location, see figure 6 (106);
software that manages the interactions of the users in different locations and collection of the results of the interactions at the central location, see figure 6 (102, 103) and provides access to the collection of results to third parties, see column 11, lines 23-50.

As per Claim 99.
Eckert Jr. et al ('501) discloses all the limitations of claim 98.
Eckert Jr. et al ('501) further discloses:

the results are forwarded from the central location to the third parties, see column 11, lines 23-50.

As per Claim 100.
Eckert Jr. et al ('501) discloses all the limitations of claim 98.
Eckert Jr. et al ('501) further discloses:
the results of the interactions are forwarded from the central location to the remote server for analysis, see column 11, lines 23-50 .

As per Claim 101.
Eckert Jr. et al ('501) discloses all the limitations of claim 98.
Eckert Jr. et al ('501) further discloses:
the third party is a vendor of the commodity, see column 11, lines 43-50.

As per Claim 102.
Eckert Jr. et al ('501) discloses all the limitations of claim 99.
Eckert Jr. et al ('501) further discloses:
the third party is a vendor of the commodity, see column 11, lines 43-50.

As per Claim 103.
Eckert Jr. et al ('501) discloses all the limitations of claim 98.
Eckert Jr. et al ('501) further discloses:
the third party is a designer of the commodity, see column 11, lines 43-50.

As per Claim 105.
Eckert Jr. et al ('501) discloses all the limitations of claim 98.
Eckert Jr. et al ('501) further discloses:
the user interface is electronically triggered based on user behaviors to generate two-way interactions with each of the users, each of the interactions relating to a corresponding specific one of the behaviors, see column 5, lines 13-68.

As per claim 106.
Eckert Jr. et al ('501) discloses all the limitations of claim 98.
Eckert Jr. et al ('501) further discloses:
the interactions are triggered based on repeated use of a feature of a unit of the commodity by the user, see column 6, lines 17-37.

As per claim 107.
Eckert Jr. et al ('501) discloses all the limitations of claim 98.
Eckert Jr. et al ('501) further discloses:
the software is further configured to provide access to the collection of results to the users of the commodity, see column 5, lines 13-36.

As per Claim 110.

Eckert Jr. et al ('501) discloses:
units of a commodity that are used by respective users in different locations, see figure 1;
a user interface which is part of each of the units of the commodity and provides a medium for two-way local interaction between one of the users and the corresponding units of the commodity for communicating instructions about the use of the unit of the commodity by a user, see figure 2 and column 5, lines 59-68;
a communication element that is associated with each of the units of the commodity and carries results of the two-way local interactions from each of the units of the commodity to a central location, see figure 6 (106);
software that manages the interactions of the users in different locations and collection of the results of the interactions at the central location, see figure 6 (102, 103).

As per claim 111.
Eckert Jr. et al ('501) discloses all the limitations of claim 110.
Eckert Jr. et al ('501) further discloses:
the two way interaction provides instructions on how to use the commodity, see column 5, lines 59-68.

As per claim 113.
Eckert Jr. et al ('501) discloses all the limitations of claim 110.
Eckert Jr. et al ('501) further discloses:
the interactions are triggered based on repeated use of a feature of a unit of the commodity by the user, see column 6, lines 17-37.

As per claim 115.
Eckert Jr. et al ('501) discloses all the limitations of claim 113.
Eckert Jr. et al ('501) further discloses:
the interface is triggered by an exception resulting from use of the commodity, see column 6, lines 17-45.

As per claim 116.
Eckert Jr. et al ('501) discloses all the limitations of claim 113.
Eckert Jr. et al ('501) further discloses:
the interface is triggered by a user-initiated help request during use of a product, service or software feature, see column 5, lines 37-58.

As per claim 127.
Eckert Jr. et al ('501) discloses:
units of a commodity that are used by respective users in different locations, see figure 1;
a user interface which is part of each of the units of the commodity and provides a medium for two-way local interaction between one of the users and the corresponding

units of the commodity for generating information about use of the unit of the commodity by a user, see figure 2 and column 5, lines 13-68;

a communication element that is associated with each of the units of the commodity and carries results of the two-way local interactions from each of the units of the commodity to a central location, see figure 6 (106);

software that manages the interactions of the users in different locations and collection of the results of the interactions at the central location, see figure 6 (102, 103) and sends probes to each of the units of the commodity, see column 1, lines 52-61 and column 11, lines 5-24.

As per Claim 129.

Eckert Jr. et al ('501) discloses all the limitations of claim 127.

Eckert Jr. et al ('501) further discloses:

the user interface is electronically triggered based on user behaviors to generate two-way interactions with each of the users, each of the interactions relating to a corresponding specific one of the behaviors, see column 5, lines 13-68.

As per Claim 130.

Eckert Jr. et al ('501) discloses all the limitations of claim 127.

Eckert Jr. et al ('501) further discloses:

the interactions are triggered based on repeated use of a feature of a unit of the commodity by the user, see column 5, lines 13-68.

As per Claim 131.

Eckert Jr. et al ('501) discloses all the limitations of claim 127.

Eckert Jr. et al ('501) further discloses:

the software is further configured to provide access to the collection of results to the users of the commodity, column 5, lines 13-68.

As per Claim 132.

Eckert Jr. et al ('501) discloses all the limitations of claim 127.

Eckert Jr. et al ('501) further discloses:

the software is further configured to provide access to the collection of results to the vendors of the commodity, see column 11, lines 23-50.

As per Claim 134.

Eckert Jr. et al ('501) discloses all the limitations of claim 127.

Eckert Jr. et al ('501) further discloses:

the results of the interactions are forwarded from the central location to the remote server for analysis, see column 11, lines 23-50 .

As per Claim 135.

Eckert Jr. et al ('501) discloses all the limitations of claim 127.

Eckert Jr. et al ('501) further discloses:

the two way interaction provides instructions on how to use the commodity, see column 5, lines 59-68.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 71-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eckert Jr. et al (4,442,501) in view of Schoenbrun "EASYNET..."

As per Claim 71.
Eckert Jr. et al ('501) discloses all the limitations of claim 48.
Eckert Jr. et al ('501) further discloses a telephone answerback unit, see column 1, lines 52-56.
Eckert Jr. et al ('501) further does not disclose a voice recorder.
Schoenbrun teaches a system which has online help by typing SOS at any menu and the ability to leave voice messages, see page 53, column 3, line 2 – page 54, column 1, line 24, for the benefit of customer service and cost savings.
Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the invention of Eckert Jr. et al ('501) to include the sound recording capability taught by Schoenbrun for the benefit of customer service and cost savings.

As per Claim 72.
Eckert Jr. et al ('501) discloses all the limitations of claim 48.
Eckert Jr. et al ('501) further discloses a telephone answerback unit, see column 1, lines 52-56 and modem or direct line communication, see column 11, lines 10-14.
Eckert Jr. et al ('501) further does not disclose a commodity configured to store voice or sound information.
Official notice is taken that voice recording devices are well known, in analog or digital form such as answering machines and tape recorders. It is also well known to store messages, such as email and voicemail for later scheduled distribution.
Schoenbrun teaches a system which has online help by typing SOS at any menu and the ability to leave voice messages, see page 53, column 3, line 2 – page 54, column 1, line 24, for the benefit of customer service and cost savings.

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the invention of Eckert Jr. et al ('501) to include the sound recording capability taught by Schoenbrun either at the user's machine or the vendor's machine for the benefit of customer service and cost savings.

As per Claim 73.
Eckert Jr. et al ('501) discloses all the limitations of claim 48.
Eckert Jr. et al ('501) further discloses a telephone answerback unit, see column 1, lines 52-56 and modem or direct line communication, see column 11, lines 10-14.
Eckert Jr. et al ('501) further does not disclose a commodity configured to digitize voice or sound information.
Official notice is taken that voice recording devices are well known, in analog or digital form such as answering machines and tape recorders. It is also well known to store messages, such as email and voicemail for later scheduled distribution.
Schoenbrun teaches a system which has online help by typing SOS at any menu and the ability to leave voice messages, see page 53, column 3, line 2 – page 54, column 1, line 24, for the benefit of customer service and cost savings.
Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the invention of Eckert Jr. et al ('501) to include the sound recording capability taught by Schoenbrun either in analog or digital format for the benefit of customer service and cost savings.

As per Claim 74.
Eckert Jr. et al ('501) discloses all the limitations of claim 48.
Eckert Jr. et al ('501) further discloses a telephone answerback unit, see column 1, lines 52-56 and modem or direct line communication, see column 11, lines 10-14.
Eckert Jr. et al ('501) further does not disclose Schoenbrun teaches a system which has online help by typing SOS at any menu and the ability to leave voice messages or speak to a live operator, see page 53, column 3, line 2 – page 54, column 1, line 24, for the benefit of customer service and cost savings.
Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the invention of Eckert Jr. et al ('501) to include the live operator contact or sound recording capability taught by Schoenbrun for the benefit of customer service and cost savings.

Allowable Subject Matter

6. Claims 53, 55-57,59-60, 63, and 80-81, 86-87, 89, 104, 108-109,112, 114, 117-119, 128, 133 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 90-97, 120-126, 136-139 are allowable.

As per Claims 53 and 90.
Eckert Jr. et al ('501) does not disclose:
units of the commodity comprise telephone extension equipment and the central location comprises a private branch exchange or other central telephone network facility.

As per Claims 55.
Eckert Jr. et al ('501) does not disclose:
units of the commodity comprise facsimile equipment and the user interface triggers the two-way interaction to occur on-line between the unit of the facsimile equipment and a vendor of the facsimile equipment.

As per Claims 57 and 137.
Eckert Jr. et al ('501) does not disclose:
units of the commodity comprise consumer television equipment.

As per Claim 63, 112.
Eckert Jr. et al ('501) does not disclose:
the user interface triggers two way interactions that comprise training based on two-way interactions with all or some other users, the interactions being arranged to present actions that the user could take to increase performance or satisfaction to a level achieved by other users.

As per Claim 81, 104, 120, 128, 133.
Eckert Jr. et al ('501) does not disclose:
the style is hypertext.

As per Claim 87.
Eckert Jr. et al ('501) does not disclose:
the value information comprises information about user performance.

As per Claim 89.
Eckert Jr. et al ('501) does not disclose:
the value information comprises information comprises marketing information or information about future product design.
As per Claim 108.
Eckert Jr. et al ('501) does not disclose:
the interactions elicit information about steps that a vendor of the commodity could take to improve the user's satisfaction.

As per Claim 109.
Eckert Jr. et al ('501) does not disclose:

the interactions elicit information about training or support provided for users of the commodity.

As per Claim 112.
Eckert Jr. et al ('501) does not disclose:
the user interface triggers two-way interactions that comprise training based on two-way interactions with all or some other users, the interactions being arranged to present actions that the user could take to increase performance or satisfaction to a level achieved by others.

As per Claim 114.
Eckert Jr. et al ('501) does not disclose:
the interface is triggered based on user comprehension.

Prior Art Made of Record

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Taylor (4,812,965) discloses remote inspection of a product.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Thomas A. Dixon
Examiner
Art Unit 3629

June 6, 2002